

and/or employees acting in the course and scope of their employment with and under the direct and exclusive control of the Defendant.

6. At the time and place hereinafter mentioned, the Plaintiff was employed by Defendant railroad and was acting in the scope of his employment by Defendant and was engaged in the furtherance of interstate commerce within the meaning of the FELA.

7. All of the property, equipment and operations involved in this occurrence hereinafter referred to is owned and/or under the direct and exclusive control of the Defendant, its agents, servants, workmen and/or employees.

8. On or about May 14, 2008, the Plaintiff, while working within the scope of his employment, was injured in the area of the Mylod Street Bridge, in Walpole, Massachusetts, due to unsafe and inadequate working conditions.

9. The aforesaid occurrence was proximately caused, in whole or in part, by the negligence of the Defendant and/or the negligence of the Defendant's employees and/or agents.

10. The Defendant failed to provide the Plaintiff with a safe place to work as required by the Federal Employers' Liability Act, 45 U.S.C. §§51-60. Specifically, the Plaintiff was violently thrown forward when the anchor squeezer he was operating was suddenly struck from behind

11. The Defendant failed to warn all employees of an unsafe situation resulting in the Plaintiff's injuries.

12. As a direct result of the Defendant's negligence, the Plaintiff suffered injury to his back.

13. By reason of the Plaintiff's injuries, the Plaintiff was disabled from gainful employment, lost wages, his earning capacity was impaired, and incurred outstanding medical bills.

14. By reason of Plaintiff's injuries, Plaintiff sustained pain and suffering, depression and anxiety, inconvenience and loss of enjoyment of life, past, present and future.

WHEREFORE, the Plaintiff demands judgment against the Defendants in an amount in excess of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00).

Plaintiff demands trial by jury.

LAWSON & WEITZEN, LLP

Dated: May 12, 2011

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Dated: May 12, 2011

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